

REMARKS

Claims 1-31 are pending in this application, claims 7-24 and 27-31 having been withdrawn from consideration. By this Amendment, the specification is amended to specifically set forth the subject matter of original claim 5. Also by this Amendment, claim 1 is amended. Support for the amendments to claim 1 can be found in the specification as originally filed, for example, at page 4, lines 19-32; and in claims 2 and 6 as originally filed. No new matter is added by these amendments.

In the Office Action, the Examiner rejects claims 1-6, 25 and 26 under 35 U.S.C. §112, first paragraph, as not being enabled by the original disclosure. Specifically, the Examiner takes the position that the pending claims are not enabled by the originally filed specification because the claims do not recite a specific range of proportions of plasticizing medium, which is asserted to be critical to the claimed rheological properties. Applicants respectfully disagree with the Examiner's position.

Independent claim 1 sets forth, in pertinent part, that the composition is "in a plastisol state and comprises a plasticizing medium in which the acrylic resin and the intumescent agent are dispersed," and also sets forth specific rheological properties that the claimed composition must possess. Thus, a composition within the scope of the claims must contain a sufficient amount of plasticizing medium to both disperse the acrylic resin and the intumescent agent and to obtain the claimed rheological properties.

The originally filed specification clearly discloses that the plasticizing medium may be present in amounts that are at most equal to 200% by weight, with respect to the weight of the acrylic resin, in order to obtain desired heat sealability and weatherability properties. *See* Specification, page 4, lines 19-26. The Examples provided in the original specification show embodiments in which plasticizing medium is present as 125% by weight with respect to the weight of the acrylic resin. *See* Specification, page 8, line 12 – page 10, line 27. Originally

filed claim 5 set forth subranges of the proportion of plasticizing medium, 100% to 200% by weight and 120% to 145% by weight, with respect to the weight of the acrylic resin. *See* original claim 5.

Based on these disclosures, one of ordinary skill in the art would be able to determine an amount sufficient to meet the limitations of the pending claims without undue experimentation. That is, the minimum amounts of plasticizing agent necessary would have been easily determined by the skilled artisan, and their recitation is not critical to understanding the scope of the pending claims or practicing the claimed subject matter. Thus, the disclosures of the original application provide sufficient and clear information that would allow one of ordinary skill to practice the invention and determine the metes and bounds of the claimed subject matter. A Declaration in support of Applicants' position that the pending claims are enabled by the originally filed specification will be provided shortly.

For at least these reasons, Applicants respectfully request that the rejections under 35 U.S.C. §112 be reconsidered and withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3, 4, 7-14, 16 and 19-31 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Julie M. Lake
Registration No. 51,156

WPB:JML/amw

Attachment:
Petition for Extension of Time

Date: August 23, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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